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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/661,659	09/15/2003	Takashi Tsuneshige	Q77406	9493
23373	7590	05/11/2007		
SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			EXAMINER WONG, XAVIER S	
			ART UNIT 2609	PAPER NUMBER
			MAIL DATE 05/11/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/661,659

Applicant(s)

TSUNESHIGE ET AL.

Examiner

Xavier Wong

Art Unit

2609

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15th Sep 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 - 10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 - 10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15th Sep 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Priority

Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims **1 – 4, 7 and 9** are rejected under 35 U.S.C. 102(e) as being anticipated by **Shintani et al (U.S Pub 2002/0088002 A1)**.

Consider claims **1 – 4, 7 and 9**, **Shintani et al** disclose a set-top box (as transmission apparatus) interacting with a remote control (as selection unit) to select from a plurality of information receiving devices such as television, internet appliance, audio/visual devices and camera, etc. as shown in figure 1 (paragraphs 0019 – 0022). A transmission path is being established through an IEEE 1394 bus as soon as a user inputs/selects a target-receiving device address with the remote control and to register the device into a database (as memorization unit) as steps shown in figure 5 (paragraph 0045). The set-box include I/O interfaces and infrared ports that takes remote control

Art Unit: 2609

commands along with an internal software work jointly as transmission path unit to enable interconnection to any suitable devices (paragraphs 0030 & 0034; figs. 1 & 2).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Art Unit: 2609

Claims 5, 6, 8 and 10 are to be rejected under 35 U.S.C. 103(a) as being unpatentable over **Shintani et al (U.S. Pub 2002/0088002 A1)** in view of **Yoo et al (U.S. Pat 6,738,559 B1)**.

Consider claims (5, 6), 8 and 10, and as applied to claims 1, 7 and 9, **Shintani et al** clearly show the claimed invention.

However, **Shintani et al** did not explicitly disclose the search unit to search a format supported by the one information receiving apparatus to which the transmission line has been established and a decision unit configured to decide, on the basis of a result researched by the research unit, the format on which the information is transmitted to the one information receiving apparatus; and a storage in which the format supported respectively by the information receiving apparatus and searched by the search unit is stored, wherein the decision unit is configured to perform the selection by making reference to the format stored in the storage.

In a related field of endeavor, **Yoo et al** disclose a DVD player 100 (as transmission apparatus) that comprises a microcomputer 13 receives specification information (e.g. format and capacity) on a TV 200 (as receiving apparatus) and stores the information into memory storage 16 after reset/power-on; then judges/researches if the DVD format is compatible with the TV, if the formats do not match, the microcomputer 13 will decide and search for an appropriate format that the TV can support to convert the DVD data into a TV-compatible format before data is to be transmitted to the TV through the IEEE 1394 bus (col. 5 lines 6-67, col. 6 lines 1-8/47-67, col. 7 *entire*, col. 8

Art Unit: 2609

lines 1-24; figs. 1, 2 & 5; *abstract*). The microprocessor 13 acts as the search unit, decision unit, and the research unit.

Therefore, it would have been obvious for a person with ordinary skills in the art at the time of the invention was made to incorporate the teachings of the search unit to search a format supported by the one information receiving apparatus to which the transmission line has been established and a decision unit configured to decide, on the basis of a result researched by the research unit, the format on which the information is transmitted to the one information receiving apparatus; and a storage in which the format supported respectively by the information receiving apparatus and searched by the search unit is stored, wherein the decision unit is configured to perform the selection by making reference to the format stored in the storage as taught by Yoo et al, in the apparatus and system of Shintani et al, in order to automatically inform viewer of a possible malfunction or incompatibility among playing and receiving equipment and the medium to be played and thereby, providing convenience for the viewer.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

A.) Yoo et al (U.S Pub 2001/0007455 A1) disclose similar teachings as secondary reference Yoo et al (U.S Pat 6,738,559 B1).

B.) **Adams et al (U.S Pat 5,760,838)** disclose a data selector to distinguish signals among video format, audio format, and associated data format before signals are sent, through respective queues, into a broadcasting receiver.

C.) **Lawter (U.S Pat 5,905,522)** discloses a method and system that identifies alternative (video) format when a user's preferred viewing format exceeds the capacity and resources of a televideo system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Xavier Wong whose telephone number is 571-270-1780. The examiner can normally be reached on Monday through Friday 8 am - 5 pm (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rafael Perez-Gutierrez can be reached on 571-272-7915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

Art Unit: 2609

USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Xavier Szewai Wong

X.S.W / x.s.w

3rd May 2007

A handwritten signature in black ink, appearing to read 'Xavier Szewai Wong', with a large, sweeping flourish underneath.